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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85250061
Applicant	Kimsaprincess Inc., Khlomoney Inc. and 2Die4Kourt
Applied for Mark	DASH
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re:

KIMSAPRINCESS INC., KHLOMONEY
INC., AND 2DIE4KOURT

Serial No. 85/250,061

Mark: DASH

Class: 35

Application Filed: February 23, 2011

**APPEAL BRIEF;
CERTIFICATE OF ESTTA FILING**

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APPEAL BRIEF

Appellants and Applicants Kimsaprincess Inc., Khlomoney Inc., and 2Die4Kourt (collectively, “Applicants”) submit this brief pursuant to Sections 2.126 and 2.142 of the Trademark Rules of Practice in support of their appeal from the Examining Attorney’s final refusal to register the mark DASH (“Applicant’s Mark”) on the Principal Register in Class 35 for “[r]etail store services featuring apparel, footwear, and fashion accessories, but excluding, eyewear, namely, eyeglasses, eyeglass frames, sunglasses and eyeglass cases.” Applicants believe the Examining Attorney’s contentions and conclusions to be in error and ask that this Trademark Trial and Appeal Board reverse the refusal and approve this mark for publication.

I. RELEVANT PROCEDURAL HISTORY

On February 23, 2011, Applicants filed their use-based application seeking to register the DASH mark on the Principal Register for “[r]etail store services featuring apparel, footwear, accessories, and a variety of other goods” in Class 35.

On May 26, 2011, the Examining Attorney rejected the application claiming Applicants’ Mark was likely to be confused with over 70 U.S. DASH and DASH-formative registrations and applications for a wide range of goods and services. The Examining Attorney also suggested Applicants limit the scope of the recitation of services to “retail store services featuring apparel, footwear, and fashion accessories.”

On November 28, 2011, Applicants responded and agreed to limit the scope of the recitation of services to that which the Examining Attorney suggested. However, Applicants maintained that the claimed likelihood of confusion with over 70 other DASH and DASH-formative registrations and applications was illusory because of the number of third parties using the mark in connection with a wide range of goods and services demonstrated consumers are able to discern that not all “DASH” products originate from the same source and thus would not be confused by Applicants’ Mark. Additionally, Applicant argued that Applicant’s Mark evokes a different commercial impression than any of the more than 70 other registrations and

applications cited.

On December 21, 2011, the Examining Attorney issued a final Office Action, accepting the amended recitation of services, but whittling down his previous list of more than 70 DASH and DASH-formative marks, claiming that Applicants' Mark is likely to be confused with two (2) registrations (collectively, "Cited Marks"): DASH (U.S. Reg. No. 1807678) in Class 25 for "pants, shirts, sweatshirts, sweatpants, hosiery, jackets, shoes, waistcoats, T-shirts, shorts, hats, headbands, wristbands, leggings, shoulder belts, belts, sweaters, blouses, underwear, vest tops, blazers, and coats" owned by ABG HMX, LLC ("ABG"); and DASH (U.S. Reg. No. 2670119) in Class 9 for "[e]yewear, namely eyeglasses, eyeglass frames, sunglasses and eyeglass cases" owned by Cross Optical Group, Inc. ("Cross Optical Group") (collectively, "Registrants"). As further basis for the refusal, the Examining Attorney asserted Applicants' retail store services actually featured clothing articles and fashion eyewear belonging to the Registrants of the Cited Marks, but provided no evidence to support his position.

Applicants filed a Request for Reconsideration and a Notice of Appeal on June 21, 2012, pointing again to the significant number of DASH and DASH-formative registrations and applications originally raised by the Examining Attorney (which were being conveniently ignored) and emphasizing the different commercial impression with the Cited Marks. The Examining Attorney denied the Request for Reconsideration on July 20, 2012, claiming Applicants' retail store services featured clothing and eyewear belonging to the Registrants and incorrectly dismissing the relevance of the more than 70 DASH and DASH-formative marks. Applicants sought a suspension of the appeal on September 17, 2012, based upon an impending Section 8 and 15 deadline for the DASH mark (U.S. Reg. No. 2670119), which was later filed by the Registrant. Then on November 20, 2012, Applicants submitted a Request to Remand and Request to Amend the Application to limit the scope of services to exclude "eyewear, namely, eyeglasses, eyeglass frames, sunglasses and eyeglass cases," which the TTAB accepted, entered and remanded. On November 27, 2012, the Examining Attorney maintained his rejection still claiming a likelihood of confusion existed with the Cited Marks. On January 18, 2013,

Applicants requested a suspension based upon another impending Section 8 and 15 deadline for DASH (U.S. Reg. No. 1807678), which was later filed by the Registrant during the grace period. The appeal subsequently resumed on June 17, 2014.

II. ARGUMENT

Applicants' Mark is sufficiently dissimilar from the Cited Marks to overcome a Section 2(d) refusal. The Examining Attorney failed to consider the Applicants' Mark's meaning is a reference to Applicants' well-known KARDASHIAN name and brand, that Applicants' retail services are marketed to niche customers, and that retail services are dissimilar and expressly classified in a different International Class than the goods offered under both of the Cited Marks. More importantly, the Examining Attorney improperly relied upon manufactured evidence regarding the alleged presence of Registrants' goods in the Applicants' retail stores that was not made part of the record, and refused to address the weakness of the Cited Marks based on the evidence.

A. Legal Standard Governing Section 2(d) of the Lanham Act

In determining whether a likelihood of confusion exists, the issue is not whether the actual goods are likely to be confused but, rather, whether there is a likelihood of confusion as to the source of the goods or services. Trademark Manual of Examining Procedure ("TMEP") § 1207.01. Even in instances where the goods or services at issue are similar or identical, a likelihood of confusion will only be found if the relevant purchasing public is likely to mistakenly believe that applicant's goods or services originate from the same source as the registrant's goods or services. *FBI v. Societe: "M. Bril & Co."*, 172 U.S.P.Q. 310 (TTAB 1971). For such a likelihood of confusion to exist, consumer confusion must be *probable*, not merely *possible*. *Cohn v. Petsmart, Inc.* 281 F.3d. 837, 842 (9th Cir. 2002).

As set forth below, the Examining Attorney failed to give proper weight to: (a) the weakness of the Cited Marks given the large number of DASH and DASH-formative marks that co-exist on the Principal Register and in the marketplace; (b) the different meanings and commercial impressions created by the Applicants' Mark as compared to the Cited Marks; (c)

the differences in the Applicants Retail services from the Registrants' consumer goods; and (d) the different marketing methods used and selection process of customers for purchases.

B. The Cited Marks Are Weak and Should Be Afforded Limited Protection

1. The Examining Attorney Improperly Disregarded Applicants' Evidence

The Examining Attorney improperly disregarded Applicants' argument that the term "DASH" is weak based on a substantial number of third-party registrations for other DASH and DASH-formative marks for related goods and services. As such, the Examining Attorney did not give Applicants' argument the weight it should have been given. Specifically, the Examiner noted that Applicant "merely submitted a list of registrations" without formally admitting those registrations into evidence. However, it was the Examining Attorney who first admitted these third-party registrations into evidence, thereby allowing an adverse party—i.e., Applicant—to consider that evidence for a relevant purpose. By submitting and citing to the more than 70 registrations and applications in support of his refusal to register Applicants' Mark, the Examining Attorney made such evidence of record. *See* TMEP § 1207.01(d)(iii) ("To make registrations of record, copies of the registrations or the electronic equivalent thereof (i.e., printouts or electronic copies of the registrations taken from the electronic database of the USPTO) must be submitted."). In reliance on those same registrations, Applicants argued that the term "DASH" is weak because of the numerous DASH and DASH-formative marks co-existing on the Principal Register. Inexplicably, however, in his Final Office Action, the Examining Attorney expressly ignored Applicants' argument and the evidence on the basis that Applicants did not submit duplicate copies of the registrations.

The Examining Attorney's decision was faulty for two reasons. First, the TMEP does not require that each party—i.e., Applicant and Examining Attorney—rely only upon evidence submitted by that party. *See* TMEP 1207.01(d)(iii); *see also* TMEP 710.03. Rather, the requirement of admissibility of third-party registrations is achieved once copies of those prior registrations are submitted to the Trademark Office, regardless of which party introduces the registrations into evidence. Similar to inter-party proceedings, "once a document is admitted

into evidence, it may be relied upon by an adverse party and considered by the Trademark Board for any relevant purpose.” MCCARTHY ON TRADEMARKS § 20:122. Second, even if the Examining Attorney’s interpretation of the rules is assumed to be correct (which it is not), the Examining Attorney’s early reference to the more than 70 registrations and applications amounts to a stipulation that those registrations are made part of the record. *See In re Melville Corp.*, 18 U.S.P.Q.2d 1386, 1388 n. 3 (TTAB 1991) (“Merely listing registrations is insufficient to make such registrations of record . . . [h]owever, where the examining attorney has referred to the listed registrations as if they had been properly submitted, we consider them to have been stipulated into the record.”).

Applicant notes that the Examining Attorney subsequently addressed Applicants’ argument in his Reconsideration Letter, but his wholesale disregard for Applicants’ argument when first presented was in error and deprived Applicants of a meaningful opportunity for review of its application during the examination period.

2. The Evidence Demonstrates the Cited Marks Are Weak

The Cited Marks have limited protection due to numerous third party uses in association with an extremely wide range of goods and services. As discussed, the Examining Attorney improperly disregarded evidence in the record, namely the more than 70 DASH and DASH-formative marks cited during the examination, which on their face establish the Cited Marks are weak. Further, in his denial of Applicants’ Request for Consideration, the Examining Attorney incorrectly concluded that “none of Applicant’s submitted third party registrations show use of a similar mark for similar goods and/or services as the cited registrations.” This is not the case—the Examining Attorney himself first entered into the record the numerous registrations and applications for DASH and DASH-formative marks used in connection with similar goods and services as the Cited Marks.

If the evidence establishes the consuming public is exposed to third-party use of similar marks on similar goods, it is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée*

En 1772, 73 U.S.P.Q.2d 1689, 1693, 396 F.3d 1369 (Fed. Cir. 2005); *see also In re Broadway Chicken, Inc.*, 38 U.S.P.Q.2d 1559, 1565-66 (TTAB 1996). For example, in *In re Broadway Chicken*, an application for the mark BROADWAY CHICKEN was denied by the assigned examiner based on his assertion that there was a likelihood of confusion between the applicant's mark and other registrations containing the term "Broadway," for example, BROADWAY PIZZA, BROADWAY CARRYOUT and BROADWAY DELI. *Id.* In its reversal of the examining attorney's refusal, this Board stated that "evidence of widespread use, in a particular field of marks containing a certain shared term is competent to suggest that purchasers have been conditioned to look to other elements of the marks as a means of distinguishing the source of goods or services in the field." *Id.* at 1565-66. Thus, although the decisions of other trademark examining attorneys have little evidentiary value and are not binding, the third party registrations and applications first introduced in this case by the Examining Attorney have great probative value in that they show that the Cited Marks are only entitled to a narrow scope of protection. TMEP § 1207.01(d)(iii).

In this case, the Examining Attorney incorrectly failed to consider the impact of the wide ranging use of the term "DASH" by numerous third-parties. Specifically, the Cited Marks co-exist on the Principal Register, with each other, and a multitude of other DASH and DASH-formative marks for related goods and services, including retail services, clothing, jewelry, eyeglasses, and accessories, as evidenced by the third-party registrations previously made of record.¹ The term "DASH" is also used by numerous third parties in association with an

¹ **DASH**, (Reg. No. 1807678), Class 25 pants, shirts, sweatshirts, sweatpants, hosiery, jackets, shoes, waistcoats, T-shirts, shorts, hats, headbands, wristbands, leggings, shoulder belts, belts, sweaters, blouses, underwear, vest tops, blazers, and coats; **DASH**, (Reg. No. 2670119), Class 9 Eyewear, namely eyeglasses, eyeglass frames, sunglasses and eyeglass cases; **MIRROR/DASH**, (Reg. No. 3683931), Class 25 Dresses, pants, shirts, sweaters, shoes and Class 18 handbags; **A DASH OF THE DARING**, (Ser. No. 85036230), Class 35 Wholesale ordering and store services, and retail store services, all featuring women's apparel; online wholesale ordering and store services, and online retail store services, all featuring women's apparel; catalog ordering services, wholesale ordering and store services, and retail stores services, all featuring women's apparel; **PORTER DASH! (and design)**, (Reg. No. 2131161), Class 18 purses, wallets, cosmetic bags sold empty and purses for beauty products sold empty, ladies handbags, baby carriers worn on the body, backpacks, all purpose athletic bags, all purpose sport bags, beach bags, carry-on bags, clutch bags, duffel bags, leather shopping bags, overnight bags, school bags, shoulder bags, textile shopping bags, tote bags, travel bags, garment bags for travel, shoe bags for travel, briefcases, suitcases, luggage, key cases and briefcase-type portfolios; **WINSTON-SALEM DASH (and design)**, (Reg. No. 3809136), Class 25

Clothing, namely, aprons, athletic uniforms, bandanas, boxer shorts, caps, cloth baby bibs, coats, golf shirts, gym shorts, gym suits, hats, jackets, jerseys, jogging suits, knit shirts, pajamas, polo shirts, ponchos, pullovers, rain coats, rainwear, sweaters, sweat pants, sweat shirts, sweat suits, socks, sport shirts, t-shirts, tank tops, ties, visors, wind resistant jackets and wristbands; **RADASH**, (Ser. No. 85329448), Class 25 Clothing, namely, tops, bottoms, and t-shirts; **LIVE YOUR DASH**, (Ser. No. 85517287), Class 14 Keychains as jewelry, Class 16 stickers, Class 18 tote bags, Class 21 Plastic water bottles sold empty, Class 24 textile wall hangings, Class 025, hats; shirts; **LIVE YOUR DASH**, (Ser. No. 85542356), Class 14 Rubber or silicon wristbands in the nature of a bracelet; **LIVE YOUR DASH** (Reg. No. 4141664), Class 14 Rings; **DEALDASH** (Reg. No. 3914068), Class 35 On-line retail store services featuring a wide variety of consumer goods or others; **MIDDAY DASH**, (Ser. No. 85529736), Class 35 Computerized on-line retail store services in the field of clothing; **MORE DASH THAN CASH**, (Ser. No. 85270504), Class 25 Clothing, namely, shirts, pants, shorts, jackets, coats, ties cummerbunds, suspenders, underwear, vests, sweaters, suits, hats, scarves, gloves, socks, shoes, belts, pajamas, dressing gowns, bathrobes, dresses, skirts, headbands, nightgowns, lingerie, stockings; **LIVE YOUR DASH –MAKE EVERY MOMENT MATTER-- (and design)**, (Serial No. 85087798), Class 16 Gift books featuring poems and prose relating to living the “dash,” that is, the years between birth and death, inspirational books, greeting cards, note cards, note pads, posters, and prints, Class 21 Cups and mugs, Class 25 T-shirts, Class 41 Entertainment services, namely, providing a website featuring video poetry and prose presentations in the field of inspirational or motivational topics for adults and children; **THE DIRTY DASH DD (and design)**, (Reg. No. 4118734), Class 25 Hooded sweat shirts; Sweat Shirts; Long-sleeved shirts; short-sleeved shirts; Sports shirts; Sweat shirts; T-shirts; Tank tops; hats; visors; shorts; sweat pants; **DASH BOARD**, (Reg. No. 4119281), Class 25 Belts; belts for clothing; Bermuda shorts; boxer shorts; briefs; collared shirts; crew neck sweaters; dress shirts; jumpers; long-sleeved shirts; men’s underwear; mock turtleneck sweaters; open-necked shirts; overalls; pants; polo shirts; raincoats; shirts; shirts and short-sleeved shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; shorts; sweaters; T-shirts; tee shirts; turtleneck sweaters; undergarments; underwear; underwear, namely, boy shorts, v-neck sweaters; waist belts; **STASH ‘N DASH (and design)**, (Reg. No. 4052567), Class 25 Scarves; **FASHION DASH**, (Reg. No. 4023715), Class 35 Computerized on-line retail store services in the field of clothing; **SMG DASH**, (Reg. No. 4057239), Class 35 Business marketing services in the fields of customer experience and customer satisfaction measurement in retail consumer goods, restaurant, and service industries, and business marketing services in the field of employee retention; and preparation of written and electronic reports in connection with the foregoing, namely, preparation of business reports; **DIAMOND DASH**, (Ser. No. 79096762), Class 9 Computers, computer programs recorded and downloadable, in particular computer, video, online and browser games and computer game programs for mobile phones, Class 25 clothing, namely, outerwear, namely, jackets, T-shirts; headgear, namely, hats, caps, Class 28 electronic game machines with displays, not for connecting to an external display screen or monitor, in particular computer, video, online and browser game machines, in each case others than those adapted for use with an external display screen or monitor, as far as included in this class, Class 35 Advertising, online advertising in a computer network, dissemination of advertisements, distribution of advertising material, namely, flyers, leaflets, printed matter and samples, Class 38 Providing access to an Internet page and electronic transmission of information in the form of text, images, speech and sounds via an Internet page; arranging and renting of access rights to an Internet page; providing access to a software in data networks for Internet access; broadcasting of movie, television, radio, BTX, video text, teletext programs or broadcasts, in particular advertising spots; providing access to databases; providing access to information from a database or from the Internet, Class 41 Organizing of games in the Internet; entertainment, namely, providing online computer, video, and browser games, computer game programs for mobile phones and providing entertainment information on the Internet; providing game service offered online; **ZIP AND DASH**, (Reg. No. 3319698), Class 25 Clothing, namely, dresses; **DOLLAR DASH**, (Reg. No. 2970189), Class 35 Retail store services featuring convenience store items and gasoline; **STASH ‘N DASH**, (Reg. No. 3955871), Class 25 Scarves; **DASH & DIESEL**, (Reg. No. 3751990), Class 25 Children and baby clothing, namely, hats, t-shirts, infant and toddler one piece clothing, jackets; **LIVE YOUR DASH**, (Reg. No. 4042342), Class 14 Jewelry, namely, bracelets, brooches, charms, lapel pins, necklaces, and pins; **LIVING IN THE DASH (and design)**, (Reg. No. 3533508), Class 25 Shirts, t-shirts, polo shirts, sleep shirts, golf shirts, long sleeved shirts; **D DASH IN (and design)**, (Reg. No. 2978044), Class 16 Non-magnetically encoded prepaid telephone calling cards, Class 29 Deli products, namely, luncheon meats, cheese, potato salad, salads, namely fruit salad and lettuce salad; non-carbonated beverages, namely, milk, soy-based food beverage used as a milk substitute, Class 30 Bakery goods; deli products, namely, pasta and macaroni salad, pizza; sandwiches, sandwich wraps, submarine sandwiches; non-carbonated beverages, namely, coffee, coffee-based beverages containing milk, tea, iced tea; breakfast croissants, bread, Class 35 Retail stores services featuring convenience store items and gasoline; **DASH IN**, (Reg. No. 3060794), Class 16

extremely wide range of goods and services across all classes.² Because Applicants' Mark

Non-magnetically encoded prepaid telephone calling cards, Class 30 Bakery goods; deli products, namely, pasta and macaroni salad, pizza; sandwiches, sandwich wraps, submarine sandwiches; non-carbonated beverages, namely, coffee, coffee-based beverages containing milk, tea, iced tea; breakfast croissants; bread, Class 32 Carbonated and non-carbonated beverages, namely, soft drinks, fruit juices, smoothies, beer; drinking water, Class 35 Retail store services featuring convenience store items and gasoline; -- **DOT DASH (and design)**, (Reg. No. 4073016), Class 9 Eyewear, sunglasses; parts, fittings and accessories for eyewear and sunglasses, namely, cases, chains, cords, frames, support bands and straps; and **MAD DASH**, (Ser. No. 77938357), Class 9 Laptop carrying cases; Notebook computer carrying cases. (Req. for Recons. at 1-7.)

² **DASH**, (Ser. No. 77674996), Class 35 Retail store services featuring lottery tickets; **DASH**, (Reg. No. 4112316), Class 35 online retail store services featuring data, content, media and applications in the nature of music, digital pictures and video for access, display and play by a desktop digital electronic device, but not including computer games of any kind; **DASH**, (Reg. No. 3719384), Class 9 Computer game software; Electronic game software; Game software; Video game software; **DASH (stylized)**, Reg # 2883496, Class 9 Personal computers, monitors, keyboards and communications services for personal computers computer hardware used for data and file storage retrieval and management, namely, disc arrays, disc storage units and tape storage units; **DASH**, (Reg. No. 2682341), Class 9 Personal computers, monitors, keyboards and communications services for personal computers computer hardware used for data and file storage retrieval and management, namely, disc arrays, disc storage units and tape storage units; **DASH**, (Reg. No. 4112316), Class 9 digital desktop electronic devices for accessing, displaying and playing data, content, media and applications provided via the Internet and global computer networks but not including computer games of any kind; desktop radios incorporating digital clocks; desktop devices for displaying weather conditions, namely, desktop digital electronic devices for displaying weather reports gathered from the Internet and global computer networks, Class 35 online retail store services featuring data, content, media and applications in the nature of music, digital pictures and video for access, display and play by a desktop digital electronic device, but not including computer games of any kind and Class 38 electronic transmission of data, content, media and applications via the Internet, global computer networks, wireless networks and electronic communication networks to desktop digital devices; **DASH**, (Reg. No. 3788820), Class 9 wireless handheld telecommunications devices, namely, wireless telecommunications devices that combine wireless voice and data telecommunications functions, digital imaging functions, computing functions, permit the two-way wireless transmission of email and text, permit wireless access to a global computer network, and multimedia functionality; **DASH**, (Reg. No. 3993649), Class 9 Computer programs for secure content delivery and host authentication; **DASH (stylized)**, (Reg. No. 4067925), Class 9 Sound recordings and downloadable sound recordings featuring music and music performances; DVDs and audiovisual recordings and downloadable audiovisual recordings featuring music and music performances; audio and video cassettes and audio and video compact discs, all featuring musical sound recordings and performances; phonograph records featuring sound recordings and musical performances; laser discs featuring sound recordings and musical performances; **DASH**, (Ser. No. 85105192), Class 9 Downloadable software in the nature of mobile applications for use with smart phones, PDA devices, tablet computers and other portable handheld digital electronic communication devices, featuring content from magazines in the fields of food, beverages and recipes; **DASH**, (Reg. No. 3406729), Class 9 pedometers; **DASH**, (Reg. No. 2194335), Class 10 patient bedside monitor for monitoring patient physiological data; **DASH**, (Reg. No. 4040550), Class 10 Image-guided localization apparatus for surgical applications; **DASH**, (Reg. No. 3548998), Class 10 Deformable surgical retractors having an outer absorbent or non-absorbent pad and an inner reinforcing metal or polymeric matrix; **DASH**, (Reg. No. 2194172), Class 10 patient monitors for monitoring ECGs, blood pressure, pulse oximetry and temperature; **DASH**, (Reg. No. 2037290), Class 10 disposable medical gloves; **DASH**, (Reg. No. 3832770), Class 3 cosmetics in general, including perfumes; **DASH**, Reg # 4060604, Class 26 Hair extensions, wigs, hairpieces, and add-in and add-on hair accessories constructed primarily of synthetic and/or human hair; **DASH**, (Reg. No. 3884087), Class 3 Dentifrices, toothpaste, cosmetic tooth whitener, bleaching preparations and tooth whitening kits for cosmetic purposes; **DASH**, (Reg. No. 3757468), Class 32 Fruit flavored soft drinks; **DASH (and design)**, (Reg. No. 3881117), Class 32 Fruit flavored soft drinks; **DASH**, (Reg. No. 3918197), Class 33 spirits and liqueurs; **DASH**, (Reg. No. 3939203), Class 16 Magazine featuring food, beverages, recipes; **DASH**, (Reg. No. 3932894), Class 11 lamps; **DASH**, (Reg. No. 3905520), Class 11 hot tubs and spas in the nature of heated pools; **DASH**, (Reg. No. 3260312), Class 5 Vitamins and nutritional supplements, Class 16 Publications, namely books, magazines and workbooks dealing with subjects of interest to

men and woman, namely self-help and motivational publications and Class 41 Education, namely providing life coaching and executive coaching to individuals and groups in the form of personal and/or class sessions and/or seminars; **DASH**, (Ser. No. 85226357), Class 5 feminine hygiene products, namely, sanitary pads and tampons **DASH (stylized)**, Reg # 3812076, Class 12 recumbent tricycles; **DASHMAT**, (Reg. No. 1502106), Class 12 Covers for automotive vehicle dashboards, automotive vehicle clip note holders, automotive vehicle visor extenders, and automotive vehicle litter containers; **DASH II (and design)**, (Reg. No. 1300256), Class 9 Data Recording Apparatus Consisting of a Recording Volt Meter for the Making or Recording of a Permanent Copy on a Graphic Chart; **THE DASH**, (Ser. No. 77607968), Class 16 Paper goods and printed matter, namely, writing paper, note pads, and desk pads, Class 21 Housewares and glass, namely, foam insulating sleeve holders for beverage cans and Class 28 Toys and sporting goods, namely, flying discs; **FASHION DASH**, (Reg. No. 3555167), Class 9 Computer game software; Electronic game software; Game software; Video game software; **DASHCOMMERCE**, (Reg. No. 3690926), Class 9 Computer e-commerce software for users to purchase goods and services via a global computer network; **INTERTON DASH**, (Reg. No. 3885213), Class 10 hearing aids; **DASH DIRECT**, (Reg. No. 4050753, Class 35 Mail order catalog services featuring books; mail order book club services; **LAMBDA DASH**, (Reg. No. 1684960), Class 1 biochemicals; namely, DNA cloning vectors; **PATRICIA DASH**, (Reg. No. 3521653), Class 16 cards with and without musical chips sold with costume jewelry; **RAINBOW DASH**, (Reg. No. 2900319), Class 28 toy ponies and accessories for use therewith; **THE DASH PAD**, (Reg. No. 3871739), Class 12 Anti-slipping dashboard mats for holding personal items that are affixed or specially adapted to the automobile; **SANITARY DASH**, (Reg. No. 1203353), Class 6 Metal Tubing, Rings Mounted About Tubular Products Passing Through Openings in a Wall for Covering the Openings, Slip Nuts and Swivel Nuts for Tubular Products and Class 11 Plumbing Products-Namely, Piping, Traps, Waste Arms and Outlets, Tailpiece Extension Tubes, Reducing Tubes, Tubular Connections, Sink Strainers, Bath Waste Piping, Shower Arms, Shower Rods, Wall Flanges for Shower Rods; **SUNDASH**, (Reg. No. 1619723), Class 11 Commercial and residential tanning equipment, namely, suntan beds with ultraviolet light; **SOFTDASH**, (Reg. No. 3629746), Class 12 Motorcycle accessories and structural parts, namely, fairing kits, consisting of an inner fairing and parts thereof; **DASH 4**, (Reg. No. 3293802), Class 12 Brake disks; Brake drums; Brake drums for land vehicles; Brake pads for land vehicles; Brake rotors for land vehicles; Brake shoes for land vehicles; Brake shoes for motor cars; Brakes for land vehicles; Brakes for motor cars; Disc brake pads for vehicles; **DASHBIKE**, (Reg. No. 3833922), Class 12 bicycles; **MIRROR/DASH**, (Reg. No. 3683931), Class 25 Dresses, pants, shirts, sweaters, shoes and Class 18 handbags; **PORTER DASH! (and design)**, (Reg. No. 2131161), Class 18 purses, wallets, cosmetic bags sold empty and purses for beauty products sold empty, ladies handbags, baby carriers worn on the body, backpacks, all purpose athletic bags, all purpose sport bags, beach bags, carry-on bags, clutch bags, duffel bags, leather shopping bags, overnight bags, school bags, shoulder bags, textile shopping bags, tote bags, travel bags, garment bags for travel, shoe bags for travel, briefcases, suitcases, luggage, key cases and briefcase-type portfolios; **SUPERIOR DASH**, (Reg. No. 1994667), Class 12 resin coated automobile trim panels; **WINSTON-SALEM DASH (and design)**, (Reg. No. 3809136), Class 25 Clothing, namely, aprons, athletic uniforms, bandanas, boxer shorts, caps, cloth baby bibs, coats, golf shirts, gym shorts, gym suits, hats, jackets, jerseys, jogging suits, knit shirts, pajamas, polo shirts, ponchos, pullovers, rain coats, rainwear, sweaters, sweat pants, sweat shirts, sweat suits, socks, sport shirts, t-shirts, tank tops, ties, visors, wind resistant jackets and wristbands; **WINSTON-SALEM DASH (and design)**, (Reg. No. 3724885), Class 16 Paper Goods and Printed Matter, namely autograph books, binders, bookmarks, bumper stickers, calendars, catalogs in the field of baseball, decals, merchandise bags, newsletters in the field of baseball, note pads, paper containers, paper pennants, paper schedules, pens, pencils, postcards, posters, printed awards, printed game tickets, printed guides in the field of baseball, reference books in the field of baseball, score books, score cards, score sheets, stationery, stickers, sticker albums and trading cards; **DASH DESIGNS**, (Reg. No. 1871224), Class 12 vehicle accessories; namely, dashboard covers, seat belt cushions, tool holders, and compartmentalized storage units specifically constructed for mounting on or within a motor vehicle, and steering wheel covers; **DASH GEAR**, (Reg. No. 3080937), Class 21 wiping cloths; **DASH LINK (and design)**, (Reg. No. 1958075), Class 9 software for controlling the operation of and for accepting data from recording devices; **DASH FLASH**, (Reg. No. 3415660), Class 9 Flashing warning lights used on motor vehicles utilizing clear or colored lenses, incandescent bulbs, light emitting diodes, and/or stroboscopic tubes; **DASH-MATE**, (Reg. No. 3074085), Class 9 cell-phone case connector; **DASH, INC.**, (Reg. No. 1886528), Class 9 telephone equipment; namely, key switch units (KSU's), private branch exchanges (PBX's), and accessory equipment; namely, cables, telephones and telephone adapters; **DASHTRAC**, (Reg. No. 3858081), Class 9 Vehicle tracking devices comprised of cellular radio modules, computer software and computer hardware, sensors, transmitters, receivers and global positioning satellite receivers, all for use in connection with vehicle tracking, vehicle monitoring and anti-theft vehicle alarms; **DASHTRAK**, (Reg. No. 3151403), Class 9 pedometers;

exists in a market is crowded with similar marks, consumers will not likely confuse Applicants' Mark with the Cited Marks because they have learned to carefully pick one out from the other. *See* MCCARTHY ON TRADEMARKS § 11:85. The differences in the marks and their respective goods and services are what consumers are conditioned to notice and distinguish sources of the goods and services.

Based on the multitude of third-party uses of the term "DASH" for related goods and services, the inescapable conclusion is that the Cited Marks are weak and can only be entitled to a narrow scope of protection. It is thus apparent that the Examining Attorney erred by failing to consider and give proper weight to the evidence in the record regarding the weakness of the Cited Marks.

C. The Marks Have Different Meanings and Commercial Impressions

Any likelihood of consumer confusion is further avoided by the fact Applicants' Mark and the Cited Marks have different meanings and commercial impressions. In making the final refusal to register, the Examining Attorney incorrectly concluded that because both Applicants'

DASHWORKS, (Reg. No. 1779514), Class 9 automotive electronic components; namely, after-market radio installation kits and radio connection wiring harnesses; **DASH**, (Reg. No. 1795636), Class 9 telephone equipment; namely, key switch units (KSU's), private branch exchanges (PBX's), and accessory equipment; namely, cables, telephones and telephone adapters; **DASHKING**, (Reg. No. 2896097), Class 12 Motor vehicle, automobile, airplane and marine accessories, namely, fitted vehicle covers, fitted automobile covers, fitted truck covers, fitted airplane covers, fitted motorcycle covers, fitted boat covers, fitted dashboard covers, fitted rear deck covers for boats and vehicles, front-end masks, fitted seat covers for vehicles, boats and airplanes, sun visors for vehicles and automobile windshield sunshades; **DASHLASER**, (Reg. No. 1706543), Class 11 emergency vehicle lights for dashboards or roof for vehicle use; **DASHLITE (stylized)**, (Reg. No. 1893052), Class 11 flashlights, specifically, compact rechargeable flashlights that recharge from the automobile cigar lighter socket; **DASH'S MARKET (and design)**, (Reg. No. 3052487), Class 16 Food wrappers, Class 17 plastic films used as packaging for food and Class 35 Retail grocery stores; **DASH DESIGNS**, (Reg. No. 1871224), Class 12 vehicle accessories; namely, dashboard covers, seat belt cushions, tool holders, and compartmentalized storage units specifically constructed for mounting on or within a motor vehicle, and steering wheel covers; **DASH MATE**, (Reg. No. 3553852), Class 27 Floor mats in the nature of non-slip pads for use under apparatus to prevent slippage; **DASHPASS**, (Reg. No. 3659383), Class 16 Non-magnetically printed barcode identification and informational entry pass; **DASH PATCH**, (Reg. No. 898084), Class 12 Material to apply to cracks, score lines and holes in floors and walls to provide smooth even surfaces; **DASH SAVER**, (Reg. No. 1863644), Class 12 fitted covers for automobile dashboards and rear parcel shelves; **MRS. DASH**, (Reg. No. 1321064), Class 30 Food Seasoning and Spices; and **PAPA DASH**, (Reg. No. 1667777), Class 30 food seasoning and spices. (Req. for Recons. at 1-7.)

and Registrants' marks are comprised of the term "DASH," the marks necessarily have the same commercial impression, which simply is not true.

This Board has held that even identical (or nearly identical) marks for the same or similar goods are not likely to be confused if the marks have different meanings and/or commercial impressions. *See Revlon, Inc. v. Jerell, Inc.*, 11 U.S.P.Q.2d 1612, 1616 (S.D.N.Y. 1989) ("Such differences of connotation and meaning are key factors in determining the likelihood of confusion[;] [d]ifferent connotations themselves can be determinative, even where identical words with identical meanings are used."); *see, e.g., In re Sears, Roebuck and Co.*, 2 U.S.P.Q.2d 1312 (TTAB 1987) (despite the fact the marks were legally identical in sound and appearance, no likelihood of confusion existed between CROSS-OVER for bras and CROSSOVER for ladies sportswear because the former term was suggestive of the construction of applicant's bras, but the same term for sportswear was suggestive of clothing that "crosses over" between informal and more formal). The meaning of the respective marks to the target market is significant in a likelihood of confusion analysis. *See MCCARTHY ON TRADEMARKS* § 23:28.

Kim, Khloe, and Kourtney Kardashian, Applicants' respective principals, are famous sisters, fashion icons, and well-known television personalities. (See a true and correct copy of Internet references depicting information about Applicants' Mark and services attached hereto as **Exhibit 1**.)³ "DASH" is a play on the sisters' last name "KARDASHIAN" and refers to their famous KARDASHIAN brand. Applicants' Mark is used in connection with the Applicants' hugely popular chain of "DASH" retail stores, which are featured on the television shows, *Keeping Up with the Kardashians*, *Kourtney and Khloe Take Miami*, and *Kourtney and Kim Take New York*. (*Id.*) As a result of the Kardashian sisters' fame and well-known DASH retail stores, consumers encountering the Applicants' Mark immediately connect Applicants' retail store services with Kim, Khloe and Kourtney Kardashian. (*See id.*) Moreover, the evidence on record demonstrates that since its adoption in 2006, Applicants' Mark has received widespread

³ Exhibit 1 was previously entered into the record and attached to Applicants' Office Action Response dated November 28, 2011, and marked as Exhibit 1.

publicity. Not only has Applicants' Mark been featured on the Kardashians' popular television shows, Applicants' DASH stores have been the topic of numerous media articles. (*Id.*) In fact, Applicants' Mark even has a dedicated Wikipedia page, further indicating its popularity and consumer perception that the term "DASH" is a play on Applicants' surname Kardashian and is associated with the Kardashian sisters. (*Id.*) Thus, consumers immediately connect Applicants' Mark with the Kardashian sisters and are aware that Applicants' services originate from the Applicants. (*Id.*) In contrast, there is no evidence the Cited Marks have a similar meaning or commercial impression, or a connection with a famous personality or individual.

Because of the different meanings and commercial impressions evoked by the Applicants' Mark and the Cited Marks, they are sufficiently dissimilar and not likely to be confused.

D. The Marks Target Different Markets and Consumers

The Examining Attorney failed to properly consider the evidence that the services offered by Applicants under their mark are marketed to a different set of consumers through distinct channels of trade than those of the Cited Marks. The Applicants and Registrants are not competitors—consumers will not encounter Applicants' services together with the Registrants' goods in the marketplace. The Examining Attorney claims that the "evidence *clearly demonstrates* that Registrants' goods are frequently offered in a retail store setting"; however, the Examining Attorney submits absolutely no evidence to substantiate this assertion. Similarly, and without providing any supporting evidence, the Examining Attorney incorrectly concludes that Applicants retail stores feature Registrants' clothing and eyewear, which is simply not true.

Specifically, the Examining Attorney did not give proper weight to the well-established rule that other factors reducing the likelihood of confusion between marks include the method of marketing used and the selection process of customers for purchases. *In re E.I. DuPont de Nemours & Co.*, 177 U.S.P.Q. 563 (1973). If one party's goods are sold to one class of buyers in a different marketing context than the goods of another seller, the likelihood that a single group of buyers will be confused by similar trademarks is less likely than if both parties sold their

goods through the same channel of distribution. See McCarthy on Trademarks and Unfair Competition § 24:41. Put another way, if parties are not competing, consumers are not likely to encounter both parties' goods or services together in the marketplace. See MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 24:51. For example, in *Sunenblick v. Harrell*, the court found no confusion between jazz records and hip-hop records sold under the identical mark UPTOWN RECORDS because, although the recordings were both musical products, they were marketed to different consumers and sold in separate sections of record stores. 38 U.S.P.Q.2d 1716, 895 F. Supp. 616, 629 (S.D.N.Y. 1995); see also *Harlem Wizards Entertainment Basketball, Inc. v. NBA Properties, Inc.*, 952 F. Supp. 1084, 1095 (D.N.J. 1997) (HARLEM WIZARDS for showcase basketball team and WASHINGTON WIZARDS for professional basketball team not likely to be confused).

The services Applicants offer in connection with Applicants' Mark are connected to the Kardashian sisters' highly popular DASH chain of retail stores. (Exhibit 1.) The stores are marketed through the Kardashian sisters' famous television shows and are ancillary to their other goods and services, all of which are again associated with the Kardashians' famous KARDASHIAN brand. (*Id.*) The services offered under Applicants' Mark are targeted to a discreet set of niche consumers—fans of the Kardashians—through marketing efforts that are primarily intended to promote the sisters' celebrity KARDASHIAN brand. (*Id.*) For example, Applicants' retail stores are often the filming locale of the Kardashian sisters' several television series. (*Id.* at 4.) In addition, the widespread media publicity Applicants' Mark has enjoyed have made Applicants' DASH retail stores a tourist attraction. (*Id.*) Consumers entering Applicants' retail stores are immediately made aware that they are visiting the Kardashian sisters' boutique. (*See id.*) In fact, consumers visit Applicants' DASH stores primarily because it is the Kardashian sisters' store. (*See Id.*) Moreover, the Applicants' services are provided to a niche market. Applicants' retail stores feature high-end celebrity brands tailored to the fashion savvy consumer. (*Id.*) As such, it is highly unlikely that a consumer encountering Applicants' Mark in the marketplace would confuse Applicants' services with the goods offered by

Registrants.

Neither is there any evidence in the record indicating Cited Marks are associated in any way to an individual or a celebrity brand or marketed as such—the record is devoid of any information regarding the marketing channels of the Cited Marks. Accordingly, the Examining Attorneys’ conclusion that Applicants’ Mark and the Cited Marks travel through the same channels of commerce and that Applicants’ services feature Registrants’ clothing and eyewear is unsupported by the evidence.

E. Applicants Services Are Dissimilar From the Registrants’ Goods

Applicant’s Mark is used in connection with retail services, which are sufficiently distinguishable from the goods offered under the Cited Marks. Any likelihood of consumer confusion is further eliminated because Applicants’ services are marketed to different consumers through distinct channels of trade than the goods bearing the Cited Marks. In fact, the Examining Attorney erroneously concluded that Applicants’ retail store services *feature* the registrants’ goods. Not only is the Examining Attorney’s conclusion incorrect, but there is no evidence in the record suggesting Applicants actually feature any goods in their retail stores belonging to Registrants.

1. The Examining Attorney Made False Statements of Fact and Relied Upon Evidence Not in the Record

The Examining Attorney bears the burden of presenting evidence to support his refusal, which in this case he failed to do. *In re The PaperClip Club, LLC*, 2010 WL 985345 (TTAB March 2, 2010) (reversed in part because the examining attorney had supplied only argument, not proof, on the proximity of the goods/services.). In his Final Office Action and denial of Applicant’s Request for Consideration, the Examining Attorney repeatedly relies upon an incorrect statement unsupported by the facts, and thereby draws an incorrect conclusion regarding the use of Applicants’ Mark.

First, the Examining Attorney’s decision was based on a conclusion that “Applicant’s [sic] retail store services *feature* Registrant’s [sic] clothing articles and fashion eyewear.” This

statement is patently false. Applicants do not feature or sell the Registrants' goods in Applicants' retail stores. There is no evidence in the record that suggests otherwise. Second, the Examining Attorney claims he attached webpages to the Final Office Action "showing Registrant's [sic] clothing and eyewear offered by Registrant [sic] in a retail store setting," but none were attached. In fact, the Examining Attorney failed to attach a single webpage depicting use of the DASH mark by either Registrant. Third, the Examining Attorney's conclusion that "Registrants' goods are frequently offered in a retail store setting, by the registrant himself [sic] and other third party retailers" is not supported by any evidence in the record.

In this case, the Examining Attorney did not attach even a single website excerpt depicting any use of the Cited Marks *whatsoever*. Rather, the Examining Attorney attached dozens of pages of website excerpts from online retailers such as Macy's and Pearle Vision depicting use of unrelated third-party trademarks for clothing and eyeglasses (e.g., ANNE KLEIN; MICHAEL KOHRS; VOGUE), which are irrelevant to the examination of the application for Applicants' Mark. Even if the Examining Attorney had attached the evidence he claims to have attached, such evidence, namely webpages showing Registrants' use of their own respective marks on their own goods, would not demonstrate that Applicants' retail stores *feature* Registrants' goods, which again, they do not. At most, the Examining Attorney's evidence only shows that some retailers sell designer brands offering goods in both Classes 9 and 25, but it does not offer any support for the Examining Attorney's determination that Applicants' Mark is likely to cause consumer confusion with the Cited Marks. Moreover, the Examiner erred by failing to enter into the record the evidence he claims to have relied upon.

2. Applicant's Services Are Distinguishable from Registrants' Goods

Applicants and Registrants are distinguishable because they claim exclusive rights in entirely distinct subsets of goods and services. Applicants seek registration of the DASH mark for services in International Class 35, while the Cited Marks are for goods in International Classes 25 (clothing) and 9 (eyeglasses), respectively. As such, Applicants' retail store services are distinguishable from the goods offered under the Cited Marks. Despite the differences in

Applicants' services and the Registrants' goods, the Examining Attorney incorrectly concluded Applicants' retail store services were so closely related to Registrants' goods that consumers would likely be confused as to the source or origin of Applicants' services.

At a fundamental level, there should be no likelihood of confusion between goods and services that the United States Patent and Trademark Office has classified as being distinct. *See Parenting Unlimited v. Columbia Pictures Television*, 16 U.S.P.Q.2d 1171, 1176 (S.D.N.Y. 1990) (stating that the fact that the PTO considers the services distinct by classifying them differently is an important factor in determining the likelihood of confusion). Services and goods are related, not because they coexist in the same broad industry, but rather, only if the services and goods are marketed and consumed in a way such that consumers are likely to believe the services and goods are somehow connected to the same source. *See Daddy's Junky Music Stores, Inc. v. Big Daddy's Family Music Center*, 109 F.3d 275, 282-283 (6th Cir. 1997).

Further, there is no rule that certain goods or services are "per se" related. TMEP § 1207.01 (a)(iv). Instead, the totality of the circumstances must be considered, as opposed to a single determinative factor; in other words, varying weight must be given to different facts and the focus must "always be on marketplace realities" and never be in the "abstract." TMEP §§ 1207.01(a)(iv) and (b). For example, even if two marks are identical and are offered in connection with similar goods, confusion is not likely so long as the goods are not "marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source." TMEP § 1207.01(a)(1). Moreover, a tangential relationship between parties' goods and services is not enough to create consumer confusion under trademark law. *See In re Shoe Works, Inc.*, 6 U.S.P.Q.2d 1890 (TTAB 1988) (no likelihood of confusion between PALM BAY women's shoes and PALM BAY shorts and pants).

In this case, consumers are unlikely to believe Registrants' goods originate from Applicants. Applicants' are seeking registration for DASH in Class 35 and expressly exclude goods in Class 9. There is no evidence that Applicants retail stores feature eyewear bearing the

DASH mark. As for Registrant ABG's goods in Class 25, again, there is no evidence that Applicants' retail stores feature "pants, shorts, sweatshirts, sweatpants, hosiery, jackets, shoes, waistcoats, T-shirts, shorts, hats, headbands, wristbands, leggings, shoulder belts, belts, sweaters, blouses, underwear, vest tops, blazers, and coats" bearing the DASH mark. Rather, and as demonstrated by the evidence, Applicants' retail stores feature goods bearing designer brand names and celebrity labels, including for example, WHITNEY EVE, LA ROK, MASON, BEACH BUNNY, VIX and 6126 COLLECTION by Lindsay Lohan. Applicants' Mark is used in connection with high-end retail store services, which consumers immediately associate with the famous Kardashian sisters. (Exhibit 1.)

Based on the significant differences between Applicants' retail store services and the goods bearing the Cited Marks, the Examining Attorney's conclusion that Applicants' services are so closely related to Registrants' goods such that consumers are likely to be confused is unsupported by the evidence.

III. CONCLUSION

The Applicants respectfully request that the Board reverse the Examining Attorney's Section 2(d) refusal with respect to Applicants' Mark and permit publication.

Dated: August 15, 2014

Respectfully submitted,
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CERTIFICATE OF ESTTA FILING

I hereby certify that this correspondence is being transmitted electronically to the United States Patent and Trademark Office Trademark Trial and Appeal Board through its electronic filing system at <http://estta.uspto.gov> on August 15, 2014.

/s/ Julie Gerhardt
An employee of Gordon Silver

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DASH Store

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The DASH Boutique (sometimes listed as D-A-S-H) is a chain of clothing stores owned by the three Kardashian sisters who appear on the E! reality series, *Keeping Up With The Kardashians*. Kim, Khloe and Kourtney Kardashian own and operate the stores, with locations in California and Florida. On November 3, 2010, the Kardashians opened their third DASH location in New York.¹ The new store is located in SoHo.²

The original store is located in Calabasas, California. The clothing store opened in 2006 and has such notable customers as Paris Hilton and Nicole Richie.³ The featured fashions are eclectic and features a variety of risque and conservative clothing for many occasions. The fashions tend to be glamorous and flirty. Dash specializes in evening wear, a selection of jeans, swim wear and their own clothing line including a "Vote for Kim" collection and their own American-inspired jewelry line.⁴

On May 20, 2009, the Kardashians opened up their second high-end boutique, in Miami Beach. The day before grand opening, the store was vandalized, but nothing was stolen from the store.⁵

D-A-S-H offers designer clothing, accessories, shoes, purses, jewelry and hats primarily for female customers, but does offer a limited selection of men's clothing items. Prices can range from a \$22 T-shirt to \$450 for a high-end designer dress.⁶

Video: DASH Store



The DASH Boutique is a clothing store chain owned by the Kardashian sisters, Kim, Khloe and Kourtney, stars of the E! reality series *Keeping Up With The Kardashians*.

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Featured Designer Clothing Lines

DASH stores feature a variety of brands including the following.

- Alice & Olivia
- Alvin Valley
- Blumann's Blue Girl
- Moschino

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Fast Facts

Address	4774 Park Granada, Ste 6 Calabasas, CA 91302
Phone Number	(818) 222-4122
Hours	Monday-Friday 11 a.m.-6 p.m., Saturday 11 a.m.-5 p.m.
Main Office Address	815 Washington Ave Miami Beach, FL 33137
Post	Owned and operated by the Kardashian sisters Khloe, Kim and Kourtney

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[DASH Store](#)
[Kim Kardashian](#)
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- Mark Wong Mank
- Serfontaine
- Foley & Corinna
- Delta
- \$355 & Bide
- Whitney Eve
- Beach Penny

Kourtney and Khloe Take Miami

Premiering in 2009, the spin-off reality show *Kourtney and Khloe Take Miami* follows Kourtney and Khloe Kardashian as they operate their Miami DASH store and enjoy Miami Beach. In the first season of the show, the sisters open the store, deal with vandalism and manage their associates. The second season of the series shows the Kardashians returning to the Miami location to learn the store was not well kept in their absence. The ladies hire new staff, promote and clean the store and again deal with personnel issues, including firing one employee in an August 8, 2010 episode.⁷

Grand Opening Dash Miami



In May 2009, Khloe and Kourtney Kardashian officially opened their Miami DASH location. The sisters using large scissors to try and cut the grand opening ribbon. When the scissors fail to cut the ribbon, Khloe steps up and does it the "old fashioned" way and manually takes off the ribbon.

DASH Store Answers

About DASH Store ... 10 Questions

What is the location of the New York Dash store that opens tomorrow night?¹

A: The NYC DASH store is located at the SoHo district at 118 Spring St

Do you ever see the Kardashians in the DASH store?¹⁸ Answers

A: ...

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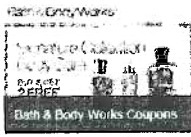
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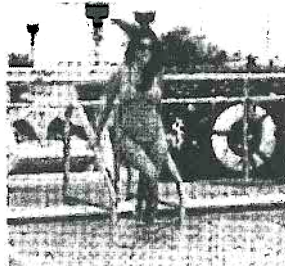


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Article Detail

D-A-S-H into Reality in Miami Beach: Kardashian Sisters' Boutique May 18, 2011



Kourtney Kardashian, co-owner of Dash, wears a Kardashians for Beach Bunny bikini Photo: kourtney-ka...

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The Kardashian sisters' D-A-S-H clothing boutique is a retail shop, reality TV filming studio and tourist attraction – sometimes all at once. The D-A-S-H clothing boutique came to Miami Beach in 2009 as part of the reality TV show, "Kourtney and Khloe Take Miami." The store served as the pull to bring the girls from their home in Calabasas, California to Miami Beach, and into their own spin-off show from "Keeping up with the Kardashians." The D-A-S-H store and its retail staff were featured on the Miami show several times.

The stylish boutique is selling a lifestyle image that the sisters promote through stocking the store with items that would complete their own looks. The Miami Beach store specifically stocks swimwear and club clothes for the party scene on the night club-laden beach.

Owner Khloe Kardashian has said, "I am in love with the lifestyle here and the vibe is one I can truly get used to. Bringing our D-A-S-H flavor to Miami has (been) an amazing experience, and I have grasped the Miami way. I feel we have justified it well here in the store with tons of sexy clothes for all these sexy Miami ladies."

D-A-S-H is very tied to the entertainment world. The designer collections carried include lines by Kardashian sister acquaintances like Lindsay Lohan, Naven and D'Amore.

Today, D-A-S-H is more a tourist attraction for Kardashian fans than a full-fledged retail store. The store is a brand in itself, and flaunts it. The store sells Kardashian water bottles (\$6), D-A-S-H scented candles (\$42) and D-A-S-H T-shirts (\$60). Fans of the show will recognize the sales staff from their appearances on the show. The staff is friendly and lets pictures be taken of the store and also inside.

Additional Info

Address: 815 Washington Avenue

Pricing: Varies

Phone: 305-531-8484

Hours: 11 a.m. to 8 p.m. Mon.-Sat.; noon to 6 p.m. Sun.

Parking:

Metered street parking and city lot

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by Margaret Matia, Miami Reporter for HelloMetro

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D-A-S-H

From Wikipedia, the free encyclopedia

D-A-S-H is a boutique chain predominantly for women. The Kardashian sisters (Kim, Kourtney, and Khloé), own and operate the boutique which sells both clothing and accessories.

Contents

- 1 About the Boutique
 - 1.1 Merchandise
 - 1.2 Online store
- 2 References

About the Boutique

The original D-A-S-H store opened in 2006^[1] in Calabasas, California. D-A-S-H sells designer clothing apparel, purses, jewelry, hats, shoes, and other fashion accessories for women.

D-A-S-H Miami was opened on May 20, 2009. Kourtney announced on her website that in addition to regular D-A-S-H merchandise, bathing suits and Miami night wear would be available for purchase. The stores have appeared on *Keeping Up with the Kardashians*, *Kourtney and Khloé Take Miami* and *Kourtney and Kim Take New York*. Although all three sisters co-own D-A-S-H, Kim Kardashian has decided to get wholly involved with the store located in Miami.^[2]

On November 3, 2010, Kourtney, Kim and Khloe opened a third D-A-S-H store in the SoHo district of New York City.^[3] All D-A-S-H employees are hired through casting calls.

Merchandise

D-A-S-H sells clothing and accessories from a variety of celebrity labels. Bestsellers of the boutique are dresses from brands such as Whitney Eve, La Rok, Mason, 6126 Collection by Lindsay Lohan, Naven and D'Amore, as well as swimwear from Beach Bunny, Vix and local label Alexis. Besides swimwear and dresses, D-A-S-H is well known for its Junk Food T-Shirts. D-A-S-H also has their own brand of scented candles and water bottles.^[4]

Online store

The Kardashian sisters have set up a website for their store, ShopDashOnline.com.

D-A-S-H

DASH

Type	Fashion Boutique
Founder(s)	Kourtney Kardashian Kim Kardashian Khloé Kardashian
Headquarters	Calabasas, California, United States
Number of locations	Calabasas, CA Miami Beach, FL SoHo, NY
Services	Clothing Store
Owner(s)	Kourtney Kardashian Kim Kardashian Khloé Kardashian

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- ² ^ "Kourtney And Khloe Kardashian Open New Dash Boutique In Miami" (http://www.thaindian.com/newsportal/entertainment/kourtney-and-khloe-kardashian-open-new-dash-boutique-in-miami_100233613.html) . ThaIndian.com. August 17, 2009. http://www.thaindian.com/newsportal/entertainment/kourtney-and-khloe-kardashian-open-new-dash-boutique-in-miami_100233613.html. Retrieved 13 December 2010.
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Kardashians want Dashing fragrance

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Kim, Kourtney and Khloe Kardashian are hoping to release a perfume named Dashing together in the future



The Kardashian sisters are hoping to release a perfume together. Kourtney, Kim and Khloe - who run fashion store D-A-S-H alongside one another - are keen to produce a fragrance named Dashing, but Kim admits it would be "hard work" because they all have such different tastes. She explained: "My sisters and I hope to create a perfume and call it Dashing. However, we are all so different - each has such different tastes and personalities, so it will be hard work." The 30-year-old beauty - who recently released her own self-titled scent - admitted creating the fragrance took a great deal of time and energy because she is such a "perfectionist". Kim added to Britain's Hello! magazine: "I did enjoy the process but it took a long time because I am such a perfectionist. There was a lot of going back and forth and explaining how I wanted the notes to smell. "The pure extract of a flower does not necessarily smell as you would imagine, so you have to play down some things and kick up other notes to get it just right. Then the perfumer recommended mandarin blossom, which made it come alive."

For more snapshots of the beautiful and sexy Kardashian sisters: Kim, Khloe and Kourtney, click next to our gallery.

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Kardashian sisters want to release own perfume 'Dashing'

Washington, June 20 : After Kim Kardashian released her own self-titled scent, the other fancy sisters are also keen to jointly produce a perfume named 'Dashing'.



Kourtney, Kim and Khloe who run the fashion store D-A-S-H alongside one another, are full of hopes for their future venture.

However Kim admitted it would be hard work because they all have such different tastes.

"My sisters and I hope to create a perfume and call it Dashing."

However, we are all so different - each has such different tastes and personalities, so it will be hard work," Contactmusic quoted her as saying.

The 30-year-old beauty claimed that creating her own fragrance took a great deal of time and energy, as she is such a 'perfectionist'.

--ANI

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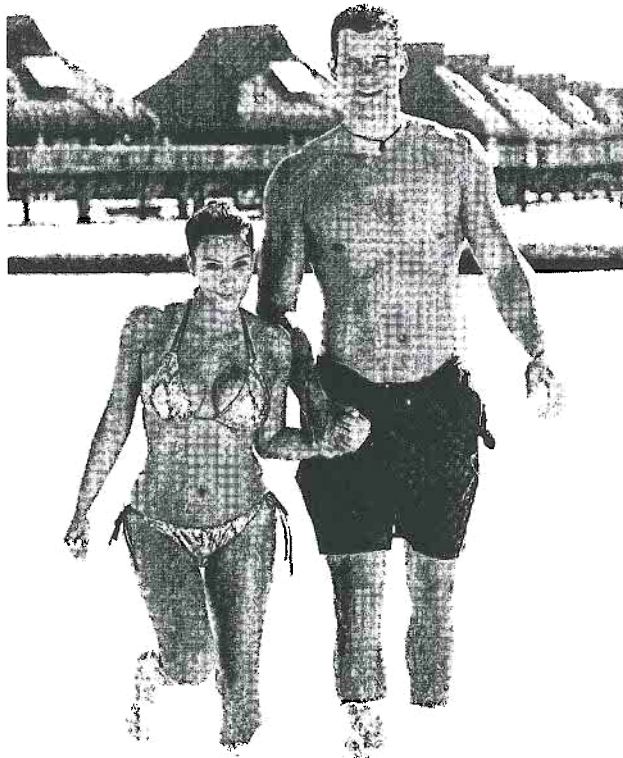
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Dashing Kim's pick me up



Little and large ... Kim with hubby

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HIGH there! Curvy **KIM KARDASHIAN** is dwarfed by her fiance **KRIS HUMPHRIES** as they frolic in the sea on holiday.

The reality star is only 5ft 2in while 26-year-old Kris is 6ft 9in

She has previously joked about their height, saying: "It's cute - if he wants to kiss me he has to pick me up."

Luckily for Kim, 30 - who swapped bikinis after the dip on Pacific island Bora Bora - Kris got down on one knee when he proposed.



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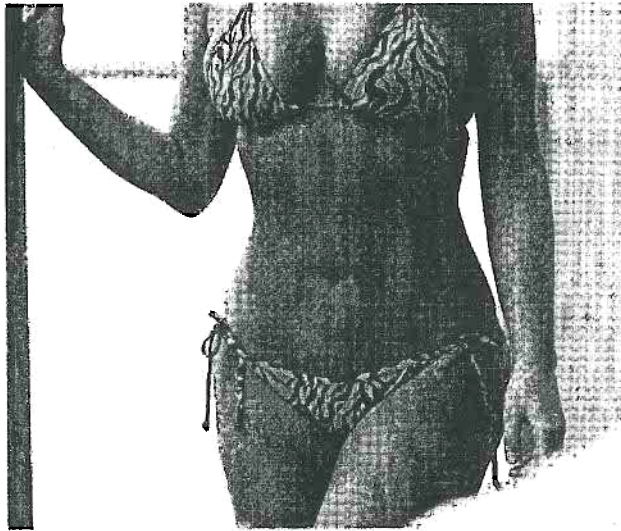
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Doe157

Amazing body, sexy tummy and navel.

3 Weeks Ago



mikey35

Infao wow he looks really intelligent, glad she went for someone with brains!

3 Weeks Ago



thatgirl

Thats just funny!!f WOW theres ur bloke being lazier than u but that just smacks it LOL

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Dockingsystem

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Joe

I think she needs a box

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'Kourtney and Kim Take New York' shows Kim Kardashian, Kris Humphries fighting, naked yoga (Poll)

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Posted 11/28/2011 9:26 AM PT by OnTheRedCarpet.com Staff

Kris Humphries does not appear to be a fan of naked yoga.

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The 26-year-old basketball player gets an eye-opening look at what life is like as the husband of Kim Kardashian, 31, in the second season of her E! reality show "Kourtney & Kim Take New York," which debuted on Sunday, November 27.

He may be on his way out of Kardashian's life following her October 31 divorce filing, but several of the couple's 72 days of marriage are well documented - and edited. The episode addresses the pair's separation, then flashes back to what viewers are made to believe are the first few days of the couple's marriage following their wedding, which was filmed for the E! special "Kim's Fairytale Wedding."

The season premiere of the show, a spin-off of "Keeping Up With The Kardashians," begins with a location change.

It's bye bye Los Angeles, hello New York. The two board a private jet to the Big Apple, where they are to live in an apartment with Kardashian's sister Kourtney and her boyfriend Scott Disick and their baby, Mason.

Humphries, who says he has never even lived with just Kardashian before, finds it all strange. He appears uneasy with his new sister-in-law's constant bickering with her boyfriend, their child's 7 a.m. play activity and the women's newfound fondness for trendy organic snacks and questionable spa treatments.

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Humphries also appears worried about his basketball career amid an NBA lockout. In one scene, he tells his wife he wants to get out of bed to hit the gym. She coaxes him into cuddling with her for another hour and seals the deal with a big lick across his face.

He is seen accompanying the family to their sister Kendall's fashion catwalk debut at Avril Lavigne's show during New York Fashion Week. The singer herself, wearing a tiara, makes a cameo on the episode as well. Tensions run high when Humphries stubs Kardashian's toe and chips her nail polish.

"You always do this (expletive) to me because you're so rough," she wails.

Then there's naked yoga. Humphries does not appear pleased when he finds the Kardashian sisters and employees of their DASH clothing store doing stretches in their living room while taking directions from a naked male yoga instructor.

"How rude is it that there's a naked guy in my house when I walk home?" he asks.

They have a big fight. And someone leaves. The marriage appears doomed. And so it begins.

Correction: In the November 28 story above, OnTheRedCarpet.com erroneously reported Scott Disick was Kourtney Kardashian's husband. He is actually her boyfriend. This version of the article has been updated to reflect the correction.

Who's the main villain in 'Kourtney & Kim Take New York'?

- ☐ Kim Kardashian
- ☐ Kris Humphries
- ☐ Kourtney Kardashian
- ☐ Scott Disick
- ☐ Naked yoga guy

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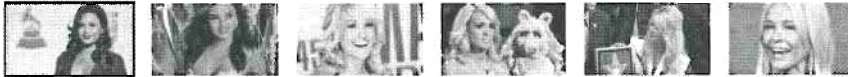
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'Kourtney & Kim Take New York' episode 1 recap: Kris Humphries moves out after newlywed life proves too much to handle

The details behind Kim and Kris' 72-day marriage are revealed

BY CRISTINA EVERETT
NEW YORK DAILY NEWS

Originally Published: Monday, November 28 2011 1 10 AM
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'Kourtney & Kim Take New York' premiered with some juicy details behind Kim and Kris' falling out.

If there were ever more of a red flag for the outcome of Kim Kardashian and Kris Humphries' doomed marriage, it would be the premiere episode of "Kourtney and Kim Take New York."

E! wastes no time addressing the elephant in the room and kicks off the episode with a montage of news coverage surrounding the end of Kim and Kris' 72-day marriage. Now that viewers already know how the couple's union ends, they get the chance to look back at the downward spiral - chock full of cringe-worthy foretelling moments - that began eight weeks prior.

"Husband!" Kim yells from her bedroom.

"Wifey! How crazy is this? You're my wife!" Kris responds to the brunette beauty.

PHOTOS: DO YOU STILL WANT TO KEEP UP WITH KIM KARDASHIAN?

The pair has just returned from their short honeymoon in Italy and are already packing their bags to move to New York where Kim and Kourtney will be overseeing the SoHo location of their DASH boutique.

Joining the newlyweds in the Big Apple are Kourtney, her boyfriend Scott Disick and their adorable son Mason. The group moves into a lavish two-story suite at the Gansevoort Park hotel, where we find that the living arrangements are anything but normal.

While Kris' immediate concern is the proximity of Mason's play area to his and Kim's bedroom upstairs, the bigger problem lies in the fact that Kourtney and Scott are now living in separate bedrooms.

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06:36 PM He is immature, ignorant and disgusting and she is a spoiled and
Nov 28, 2011 misguided child who needs to live alone for the rest of her life.

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TheHumanFund1

04:38 PM Wait...you commented on this article, and then talked about the people
Nov 28, 2011 who watch the show? Did that really just happen??? I guess we have found a bigger loser than those who watch the show...Those who read articles about the show, and then make snide remarks about those who watch the show. Its ALMOST funny...if it wasn't so pathetic.

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jcole925

04:23 PM Not that he's some saint...but they are going to try and throw him under
Nov 28, 2011 the bus to save her sorry pretend career.

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gqa

04 16 PM
Nov 28, 2011 the sad part is that people like some of these posters actually watch their show. America gets dumber and dumber while people who don't deserve it get richer and richer.

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04 14 PM
Nov 28, 2011 wake up american! put a fork in this family their done!

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